

VIRGINIA COALITION FOR JUVENILE JUSTICE

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2004-2005 AGENDA FOR KIDS (11/9/04)

The Virginia Coalition for Juvenile Justice is an all-volunteer network of parents, service providers, agency staff, advocates, and individuals working to improve juvenile justice in Virginia. The Coalition has helped stop efforts to slash federal funding of state juvenile justice work and helped secure the guarantee of legal representation for children and adolescents at detention hearings.

If you are interested in helping bring about positive change for Virginia's young people, contact the point people listed at the end of a reform item or e-mail the Coalition for Juvenile Justice at kevin@justice4all.org. Please note that the Coalition has chosen to support the particular efforts of the organizations, agencies, or contact people listed. Being listed does not imply membership in the Coalition or endorsement of other agenda items.

1. Address Mental Health Issues Related to Juvenile Detention

- **Improving mental health services in juvenile detention centers:** The Coalition urges the state Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) to propose and support legislation (presently being considered internally) addressing the inadequate state of mental health services in juvenile detention centers. Due to the under-funding of community-based mental health services, children with mental health needs are often placed in the juvenile justice system for lack of a better place to go. Yet, the vast majority of Virginia's 24 juvenile detention centers lack even the most basic services to address mental health problems and connect young people with services in the community. Along with improving community mental health, it is necessary to insure basic mental health care for young people in juvenile detention and to assess their needs for ongoing treatment. The Coalition advocates changes in the law, along with necessary funding, to require that each juvenile detention center hire or contract with clinical therapists, case managers, child psychiatrists, and other appropriate mental health staff, proportionate to the population in each center. Trained professionals should be treating our children using evidence-based treatment approaches. Case management and care coordination should link juveniles to services in the community and across placements.
- **Modifying Medicaid rules for incarcerated children:** The Coalition supports changes to rules that currently (1) prevent a child from benefiting from Medicaid funds while an "inmate in a public institution," including juvenile facilities, and (2) require children to reapply for Medicaid when they get out. First, Virginia should apply for a "section 1115 waiver" of the federal rule forbidding Medicaid funds from being used for its programs that advance the purposes of the Medicaid statute (see 42 U.S. Code § 1315(a)). New Mexico benefits from such an exemption. Second, Medicaid should be "suspended" not "terminated" when a child enters a locked facility, so the child can benefit from services immediately upon release. To help, contact Christie Marra, Virginia Poverty Law Center, 804-782-9430, christie@vpplc.org.
- **Including suicide screenings in commitment packets:** The Coalition supports a minor change in procedure that may help save a life. Presently, the "commitment packets" of key information that accompany a young person to the Department of Juvenile Justice (DJJ) do not contain the child's suicide screening from the detention center. Although a new screening is typically conducted at DJJ, it would help DJJ assess and protect a child if it had the prior suicide screening. This change could be achieved administratively. To help, contact Kevin Keenan, JustChildren, Legal Aid Justice Center, 434-977-0553 x113, kevin@justice4all.org.

2. Improve Community Reentry for Young People Leaving DJJ Facilities

The Coalition urges the Commonwealth to close the gap between mental health and education services in DJJ facilities and those in a young person's home community. Children leaving DJJ are facing difficulties getting back into school and getting mental health, substance abuse, and mental retardation services due to planning that does not occur early enough and occurs without community providers at the table. As a result, many young people lose the benefit of the progress they made while in DJJ facilities, the return on the public's investment of \$78,000 per year per youth may be lost, and public safety is put at greater risk. The Coalition supports **legislation** to make planning happen sooner, make community providers and educators part of the process, insure appropriate services are available upon release (not later), require earlier transfer of records, invite parents, and provide clear deadlines and some accountability. The Virginia Advisory Committee on Juvenile Justice has endorsed such legislation. In addition, the Coalition urges the adoption of **DJJ policy** to allow community service providers and advocates who work with a young person to participate in the DJJ staffings and treatment team meetings about the youth. This latter change could be effected by the Director or the DJJ Board. To help, contact Kevin Keenan, JustChildren, Legal Aid Justice Center, 434-977-0553 x113, kevin@justice4all.org.

3. Smart Detention Reform

The Coalition supports DJJ's continued efforts to improve the way the Commonwealth uses detention. We urge the agency and the governor to move forward with two legislative proposals presently under consideration:

- **Modifying eligibility for placement in post-dispositional detention:** This legislative proposal would reserve post-dispositional detention for juveniles who have committed a committable offense rather than a Class 1 or Class 2 misdemeanor, as the law currently allows. The proposal would help insure that juvenile prisons are used for the worst offenders and slightly less punitive, six-month placements are available to lesser offenders, according to an assessment instrument.
- **Removing Status Offenders from Placement in Detention:** This legislative proposal provides that a juvenile may be confined for violating a court order only if the original charge would warrant confinement and limits such confinement to ten days.

4. Abolition of the Juvenile Death Penalty

The Coalition would like Virginia to join the majority of the country and the rest of the world in abolishing the juvenile death penalty. Last session, for the first time in over 10 years, there was a bill introduced to abolish the juvenile death penalty. Delegate Al Eisenberg's bill would have changed the age of eligibility at the time of offense from 16 to 18. The House Courts of Justice tabled the bill, 21-0, reasoning that the Supreme Court would be addressing the issue. Nonetheless, an impressive 24 legislators signed on as co-patrons. The ACLU, VADP, VICPP, People of Faith, the Catholic Diocese and others are reintroducing the bill this year in both the House and the Senate. To help, contact Aimee Perron, ACLU of Virginia, 804-644-8080, aperron@acluva.org.

5. Mop Up: Amending Unfavorable Juvenile Justice Bills from Last Session and Opposing Unfavorable Proposals Being Considered for this Session

- **Oppose Making Assault of a Probation Officer a Felony:** This proposal would continue two unnecessary, regrettable trends—creating special, additional criminal punishments for offenses related to certain categories of public employees and diminishing the distinction between juvenile probation officers

and police officers. The Coalition encourages DJJ to reconsider its support of this ill-advised proposal. The Virginia Advisory Committee on Juvenile Justice also opposes this proposal. To help, contact Bob Shepherd, University of Richmond, 804-289-8203, rshepher@richmond.edu.

- Repeal HB 1326: This law allows the juvenile court to charge parents with a Class 3 misdemeanor for violating provisions of the parental responsibility law, such as their child skipping school or their or their child not attending a mandated program.